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filed on the next business day is to be considered timely. Since Monday, January 15, 2001 was a Federal Holiday, a response filed on Tuesday, January 16, 2001 is to be considered timely. Accordingly, this Amendment is being timely filed.

In the claims:

Please cancel claims 15, 21 and 22 without disclaimer or prejudice to applicants' right to pursue the subject matter thereof in a future continuation or divisional application.

Please amend claims 1, 2, 10, 13, and 16 under 37 C.F.R. §1.121(b) by deleting the bracketed materials and inserting the underlined materials as follows:

1. (Amended) A method of inhibiting viable cells or tissue comprising the viable cells transplanted into a subject from being destroyed by the subject's immune system which comprises:

a) containing the viable cells[,] or tissue comprising the viable cells, prior to transplantation within a device comprising a semipermeable membrane; [and]

(b) transplanting the viable cells or tissue comprising the viable cells contained in the semipermeable membrane, obtained in step (a) into the subject; and

C1  
contd

[b)] (c) treating the subject of step (b) with a substance which inhibits an immune-system costimulation event in an amount effective to inhibit the subject's immune system from responding to said contained viable cells or tissue comprising the viable cells, thereby inhibiting viable cells or tissue comprising the viable cells transplanted into the subject from being destroyed by the subject's immune system.

2. (Amended) The method of claim 1, wherein the substance is CTLA4Ig.

C2

10. (Amended) The method of claim [9] 1, wherein the viable cells or tissue comprising the viable cells are derived from a mammal.

C3

13. (Twice Amended) The method of claim 12, wherein the domesticated animal is [are] selected from the group consisting of a cow, a calf, a pig, a sheep, a lamb, a horse, and a chicken.

C4

16. (Amended) The method of claim [15] 1, wherein the viable cells comprise [which secrete a biologically active substance are] endocrine cells.